

APPENDIX A.

FINAL EVALUATION SUMMARY INFORMATION FOR 46th CIRCUIT DEMONSTRATION PROJECT

The 46th Circuit Trial Court has the most complex boundary issues facing any of the demonstration sites. It serves three counties, includes two multi county district courts (each with one county outside the project), and it has three probate courts. These three counties have a total population of about 43,000 (the largest town having only about 3,200 residents), so that this demonstration court operates in a decidedly rural setting. In the evaluation of the 46th Circuit demonstration project, special consideration must be given to these factors.⁴²

Table A-1 below summarizes findings for the 46th Circuit under core evaluation criteria. Table A-2 summarizes results from focus group meetings facilitated by NCSC evaluators in April 1998. Table A-3 summarizes findings under special evaluation criteria.

⁴² For more details, see David Steelman, Karen Gottlieb, and Dawn Rubio, *Michigan Trial Court Consolidation, Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998).

**TABLE A-1.
SUMMARY OF FINDINGS FOR 46th Circuit
UNDER CORE EVALUATION CRITERIA***

Core Criterion	Summary of Final Evaluation Findings
1. How does consolidation affect the use of judicial and quasi judicial resources?	Judges are assigned to circuit, district and county (family) divisions. District division judges are authorized to take felony pleas. Probate judges in county (family) division hear divorces with children. Out-of-county visiting judge assignments have been reduced considerably. While most uncontested matters and most contested civil and criminal matters can be heard by any judge, specialized knowledge is most valuable in (1) juvenile abuse & neglect matters with expert witnesses and placement issues; (2) complex civil matters; and (3) some landlord-tenant cases. The role of the chief judge has been an issue, including questions of the chief judge's working relationship with the court administrator and the Judicial Management Council, and whether the chief judge should have a reduced judicial workload because of his administrative responsibilities. Under authorization from the Supreme Court, magistrates and referees can act in any one of the counties in the circuit, which has increased their collective availability. Availability has also been enhanced by the use of in-home fax machines for them to authorize bonds and warrants by fax after regular work hours.
2. What is the effect of having a family division as part of each demonstration project?	Interviewees and focus group members indicated that this has been extremely positive. Having one judge from the same county deal with families is very important. Familiarity with a family permits the judge to ensure that children's interests are served. An anecdotal perception is that cases are resolved sooner. Family division gives greater flexibility for family judge to enter orders and provide services appropriate for families. "Master index sheet" helps court identify related cases with same family. The FOC in one or more counties has problems – the FOC office is not at the courthouse, and FOC staff numbers may be inadequate to deal with expanded court time. Negative consequences are seen if the Crawford County probate judge returned to part-time status.
3. How does consolidation affect the cost-effectiveness of court operations (e.g., by reducing administrative and service duplications)?	The age of the pending civil inventory was lower at end of 1997 than it was at the end of 1995. There have been solid improvements in case-processing times from 1995 to 1997. Having district division judges take felony pleas has reduced disposition times and number of hearings for felonies, though it may cause district court times reported to SCAO appear to be longer. Jury management has been consolidated and refined. A three-county contract for indigent defense services has reduced costs and provided for expanded indigent attorney coverage. A unified personnel policy has been implemented for the consolidated court. There is a single clerk's office counter for public access in one county. The Trial Court is exploring ways to reallocate staff as needed to cover workload imbalances. A classification study is planned to standardize employee job descriptions. While there has been no merger of probation officers & caseworkers, there is greater coordination of their services and information. Reduced costs for the child care fund may be a one-time result of having high-cost placements terminated.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter II.

TABLE A-1 (continued).
SUMMARY OF FINDINGS FOR 46TH CIRCUIT
UNDER CORE EVALUATION CRITERIA

4. How does consolidation affect key stakeholders' perceptions of court operations?	Most stakeholders believe that consolidation makes sense & improves use of judicial resources. Some believe that the chief judge of the Trial Court should be more a judicial liaison and a less forceful administrator. The family division is viewed very positively. Informed citizens are very positive about project, although internal stakeholders and institutional participants are less favorable. Implementation problems – staff morale, staff work levels, public confusion, adequacy of cross training, & adequacy of communications – have caused difficulties for court staff. Despite any problems, no stakeholders wish for a return to the pre-consolidation court structure. (See Table A-2 for highlights of positive and negative perceptions by members of each focus group.)
5. Does consolidation promote improved coordination with court-related agencies?	Workload pressures for county clerks' staff members have been eased by a computer "bridge" between district and circuit division case information systems and the centralization of jury management under the court administrator's office. The county clerks are generally positive about the project, though communication is a major concern. Having more full-time judge presence to hear cases has increased court security demands on sheriffs' offices. The demonstration project has had little impact on state police, although greater availability of magistrates with in-home faxes has eased after-hours efforts to obtain approval of warrants. County prosecutors have been affected differently by the new practice of having district division judges take felony pleas – they spend less time in the circuit division, but more time in the district division, with one less appearance per felony case. DOC probation agents have also had to adjust practices to deal with felony pleas in district division. It is not clear yet whether creation of family division has resulted in a heavier demand on the resources of service providers.
6. What effect do "obstacles to change" and "change enhancers" have on consolidation?	There were several "obstacles to change." The effects of having one judge oppose the project have been minimized through planning, perseverance and cooperation among other judges and court personnel. Policy changes and reallocation of work assignments among judges and court staff has caused dissatisfaction among some court staff members. Because some but not all court employees are unionized, the Trial Court has had to make sure that personnel practices and decisions reflect fair employment practices. The court has introduced uniform personnel policies and taken initial steps toward equalization of salaries and benefits. Staff identification with a single Trial Court rather than the former separate courts has been slow to develop. Having to travel among counties and having a limited number of jury courtrooms in each county has hindered efficient use of judge time. Until his retirement, a part-time nonlawyer probate judge could not perform the same range of judicial functions as law-trained colleagues. There were also several "change enhancers." Judge proponents of consolidation have been committed to making it work. Court technology has been used effectively by the court administrator. The project has also benefitted from the efforts of court leaders to elicit and maintain support for the project from the bar and the public.
7. Does consolidation result in improved use of court information systems or other technology, and is that linked to enhanced court efficiency?	As a result of computerization improvements and integration of case information systems for all three court divisions in all three counties, judges and court staff members have access to records for all cases pending throughout the circuit. Having an automated link for case records among all court locations has meant that people can file documents and pay fines and fees (by credit card or otherwise) at any court location. Judges can communicate with one another by electronic mail, and a "master schedule" includes the dockets of all the judges. The introduction of audio conferencing equipment in all courts for remote trial/hearing testimony, conferences and other activities yielded savings by the end of 1996 alone that exceeded the initial investment under the demonstration project. Computer automation of library research materials has yielded significant cost savings in each county. Efforts to have law enforcement officers write computerized traffic tickets for appearances in each county are being promoted by the court administrator

TABLE A-1 (continued).
SUMMARY OF FINDINGS FOR 46TH CIRCUIT
UNDER CORE EVALUATION CRITERIA

Core Criterion	Summary of Final Evaluation Findings
<p>8. What effect does consolidation have on court budgeting?</p>	<p>The Trial Court did not submit a uniform joint budget in 1996 for calendar year 1997, because the attention of court leaders was focused on developing a uniform personnel policy. For 1998, court officials assumed responsibility for coordinated budget monitoring, preparation and presentation to county officials.</p>

TABLE A-2. PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT*

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (10 focus group members)	<ul style="list-style-type: none"> 7 One location in each county to service needs of public 7 One group striving to make it easier for the public 7 Understanding of other units of court enhances ability to serve the public 7 Benefits of demonstration project for judges and administrators only, not court staff 7 Observed better interaction among court personnel 7 Creation of magistrate districts has improved service to the public 7 Judges pitch in for each other in the 87th district 7 Public service has improved in that one judge handles all family, domestic violence and juvenile cases 7 Computer “bridge” between circuit court and district court 7 Bulk ordering has reduced some operational costs 7 Improved jury management 7 Fines and fees may now be paid by credit card 7 Traffic matters hooked into sheriff’s office, reducing data entry by court staff 7 Clerks can set court dates right in the court 	<ul style="list-style-type: none"> 7 Need to consult with the people in the “trenches”. Lack of communication has created morale problems 7 87th district court employees lost pay and benefits with the implementation of unified personnel policies 7 Family court judge in one county now has to handle small claims matters taking time away from family matters 7 Scheduling is very difficult for FOC. Judges doing more and covering multiple areas. FOC does not have extra staff to cover expanded dockets. Judges do not have a full understanding of what FOC does 7 Problems with consolidation in Gaylord because of three court locations 7 Too many irons in the fire. Decisions coming fast and furious. Support staff cannot keep up with demands. Not enough time spent developing and implementing before move on to next project 7 Sentiment by administrators that court system is not a “democracy” and if you do not like it then leave 7 Turnover has increased dramatically. Young staff with little experience in place 7 No down time for staff because court offices are always “open” 7 Communication with FIA has deteriorated 7 Poor quality of presentence investigations by sub-contractor 7 More court hearings for juvenile matters delaying consequence of actions.

* Source: April 1998 focus groups facilitated by NCSC evaluators.
National Center for State Courts

TABLE A-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Internal Stakeholders (continued) (10 focus group members)		<ul style="list-style-type: none"> • Workload has increased and quality is suffering • Lessens pride in job • Inadequate facilities to support demonstration. Kalkaska needs another courtroom. Gaylord is too spread out • Facilitation session with Dale LeFever good but concepts never carried out • Biggest disappointment is the updated personnel policies • Administrators have no idea of the nuts and bolts of operations • Need an employee referee on Judicial Council
Institutional Participants (9 focus group members)	<ul style="list-style-type: none"> • Consolidation means restructuring courts to be more streamlined • Manageable and user friendly docket • Expedited matters in district court • Decreased number of appearances in district court with felony pleas • Crawford County now has a full time judge on site • Audio conferencing • Increased availability of judges • Pre-trial conferences by phone • Magistrate districts and fax availability for warrants and bond applications • Court communication to institutional participants regarding project was very good • There is a substantial savings in the cost of indigent appointments • Improved case processing and timely resolution • Benefits outweigh the negatives 	<ul style="list-style-type: none"> • Although theory that judges are fungible, have not seen circuit judges cover district court matters • Sheriffs' offices are seeing increasing cost. Pulling people off road duty to cover court duty. Security is a problem • Improvement in family court operations is more attributable to judge than system. Very aggressive judge • Court is streamlined on paper but not more efficient • Court may be unified but support offices not cooperating • Has lead to increased judge shopping • Courts are not responsive to township violations • Compounding factor is massive growth in area and increasing caseloads
	<ul style="list-style-type: none"> • Continue with demonstration projects. Need time to work out kinks in structure 	<ul style="list-style-type: none"> • Support staff in Kalkaska prosecutor's office working harder since demonstration project. May be a result of increasing caseloads though • Sheriff's office sees increase costs in the form of overtime. Manpower is an issue • Lack of communication between district court and county court clerks • Questionable quality of justice. Faster does not always mean better. Often inexperienced judges handling sensitive matters • Fungibility of judges not as true as initially perceived • Court will never be truly consolidated with blend of elected and non-elected personnel • Need better communication regarding court scheduling • Need increased funding to all support services • Average Rating-5 on scale of 10

TABLE A-2 (continued). PERSPECTIVES OF FOCUS GROUP PARTICIPANTS ABOUT COURT OPERATIONS AND DEMONSTRATION PROJECT IN 46TH CIRCUIT

Focus Group	Highlights of Positive Perceptions	Highlights of Negative Perceptions
Informed Citizens (3 focus group members)	<ul style="list-style-type: none"> • Better coordination for children and families. Court administrator has accessed funds for services to children and families • Has observed cooperation and communication • Consolidation should continue 	<ul style="list-style-type: none"> • Some confusion as to structure and respective roles of players in court process for the public. Changes could have been better advertised • County still spends the same amount for indigent defense services • Need more state funding to offset child care fund • Court needs to develop a brochure of court services and community resources

TABLE A-3.
SUMMARY OF FINAL EVALUATION FINDINGS
UNDER SPECIAL CRITERIA FOR 46TH CIRCUIT*

Special Criterion	Summary of Findings
1A. What are the results of trying a consolidation effort in a multicounty circuit with mixed jurisdictional boundaries and multiple court locations, each with only one jury courtroom per courthouse?	Court leaders introduced consistent courtwide policies in such areas as jury management and personnel management. Efforts were made to eliminate a mismatch between district and circuit court geographical boundaries. After a law-trained judge took the probate bench in Kalkaska County, official authorization was sought for the probate judges in Crawford and Kalkaska Counties to hear all probate-district family matters. Steps are underway to create a second jury courtroom in each of the Kalkaska and Crawford County court locations.
1B. What is the impact of the 46th Circuit's Adjunct Advisory Committee on the effectiveness of the consolidated trial court demonstration project?	Such a committee was not formed. Instead, the Trial Court created a Council of Commissioners with two commissioners from each county to be an advisory body to the chief judge. A Stakeholders Committee with court staff, police, prosecutors and other court users was created. Finally, a Management Assistance Council with a court staff member from each court location was created. Only the Management Assistance Council has had more than sporadic meetings. All have been sources of feedback to court leaders, however.
1C. What are the results of having a compliance officer in the probation department of Crawford County (as well as Otsego and Kalkaska Counties) to monitor compliance, treatment objectives and collection of outstanding receivables?	With the support of county commissioners, a compliance officer was hired for Crawford County in 1997. Giving special attention to fine and fee collection, the person in this position has generated additional revenues totaling about \$90,000.

* For more details, see David Steelman, Karen Gottlieb and Dawn Rubio, *Michigan Trial Court Consolidation. Volume One: Final Evaluation of 46th Circuit Demonstration Project* (Denver, CO: National Center for State Courts, Court Services Division, 1998), Chapter III.